

**MINUTES  
LANCASTER COUNTY BOARD OF EQUALIZATION  
TUESDAY, JULY 31, 2001  
COUNTY COMMISSIONERS CHAMBERS  
FIRST FLOOR, COUNTY-CITY BUILDING  
1:30 P.M.**

Commissioners Present: Kathy Campbell, Chair  
Bob Workman, Vice Chair  
Bernie Heier  
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Norm Agena, County Assessor  
Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Trish Owen, Deputy County Clerk  
Mike Thew, Chief Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Equalization meeting was called to order at 1:30 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Equalization meeting held on Tuesday, July 24, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Workman moved and Stevens seconded approval of the minutes of the Board of Equalization meeting dated July 24, 2001. Campbell, Workman and Stevens voted aye. Heier abstained. Motion carried.

- 2) **ADDITIONS AND DEDUCTIONS:**

**Approval of 16 additions and deductions to the tax assessment rolls per Exhibit A.**

**MOTION:** Workman moved and Heier seconded approval. Heier, Campbell, Stevens and Workman voted aye. Motion carried.

3) **MOTOR VEHICLE TAX EXEMPTIONS:**

Capital Humane Society (2 exemptions)  
Christian Heritage Children's Home  
Fellowship Baptist Church  
Indian Hills Community Church  
Sisters of Mary Queen of Mercy (2 exemptions)

**MOTION:** Heier moved and Stevens seconded approval of motor vehicle tax exemptions for Capital Humane Society, Fellowship Baptist Church, Indian Hills Community Church and Sisters of Mary Queen of Mercy and to also approve a motor vehicle tax exemption for Christian Heritage Children's Home subject to the vehicle(s) being titled and registered to the applicant. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

4) **SETTING OF PUBLIC HEARINGS FOR NOTICE OF VALUATION CHANGE FOR THE FOLLOWING:**

Setting of public hearings for Tuesday, August 14, 2001 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding notice of valuation change for omitted or undervalued property for Aspen Builders and the Nebraska State Historical Society.

**MOTION:** Heier moved and Workman seconded setting of public hearings for Tuesday, August 14, 2001 at 2:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding notice of valuation change for omitted or undervalued property for Aspen Builders and the Nebraska State Historical Society. Workman, Campbell, Stevens and Heier voted aye. Motion carried.

5) **SEND TAXABLE STATUS NOTICE FOR 2001 TO NEBRASKA STATE HISTORICAL SOCIETY ON REAL PROPERTY DESCRIBED AS LITTLES & ALEXANDER SUB, LOT 12:**

**MOTION:** Heier moved and Workman seconded approval of sending a taxable status notice for 2001 to Nebraska State Historical Society on real property described as Littles & Alexander Sub, Lot 12. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

6) **APPEAL OF PENALTY ASSESSED AGAINST PERSONAL PROPERTY FOR THE FOLLOWING:**

**Forest Siding Supply**

Norm Akena, County Assessor, explained the return was postmarked May 2, 2001 and recommended a ten percent late filing penalty be assessed.

**MOTION:** Workman moved and Heier seconded to accept the County Assessor's recommendation and assess a ten percent late filing penalty against personal property for Forest Siding Supply. Stevens, Workman, Campbell and Heier voted aye. Motion carried.

7) **ADJOURNMENT**

**MOTION:** Heier moved and Workman seconded adjournment of the Board of Equalization meeting at 1:37 p.m. Heier, Workman, Campbell and Stevens voted aye. Motion carried.

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Bruce Medcalf  
County Clerk

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Commissioners Present: Kathy Campbell, Chair  
Bob Workman, Vice Chair  
Bernie Heier  
Ray Stevens

Commissioners Absent: Larry Hudkins

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Trish Owen, Deputy County Clerk  
Mike Thew, Chief Deputy County Attorney  
Gwen Thorpe, Deputy Chief Administrative Officer

The Board of Commissioners meeting was called to order at 1:37 p.m.

- 1) **MINUTES:** Approval of the minutes of the Board of Commissioners meeting held on Tuesday, July 24, 2001. (A copy of these minutes is on file in the Office of the Lancaster County Clerk.)

**MOTION:** Workman moved and Stevens seconded approval of the minutes of the Board of Commissioners meeting dated July 24, 2001. Campbell, Workman and Stevens voted aye. Heier abstained. Motion carried.

- 2) **CLAIMS:** Approval of all claims processed through Tuesday, July 31, 2001.

**MOTION:** Workman moved and Heier seconded approval. Heier, Campbell, Stevens and Workman voted aye. Motion carried.

- 3) **SPECIAL PRESENTATIONS:**

**A.** The July County-City Volunteer of the Month Award was presented to Le Thi Hong Nguyen for her services with Parks and Recreation.

3) **SPECIAL PRESENTATIONS CONTINUED:**

B. The August County-City Volunteer of the Month Award was presented to Bonnie Eckery for her services with the Lincoln Area Agency on Aging, Lifetime Health Division.

4) **PUBLIC HEARINGS:**

A. County Special Permit 188, requested by Scott Goode on behalf of Michael and Charlotte Ralston, to expand a nonconforming use by adding an addition to the existing house, in line with the existing residence on property located at Southwest 84<sup>th</sup> and West Van Dorn Streets in Lancaster County, Nebraska.

The Chair opened the public hearing and asked if anyone wished to speak in favor of the Special Permit.

Mike DeKalb, Planning Department, stated both the Planning staff and Planning Commission recommend approval.

The Chair asked if anyone else wished to provide testimony.

No one appeared and the hearing was closed.

**MOTION:** Heier moved and Stevens seconded approval of County Special Permit 188. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

5) **OLD BUSINESS:**

A. An agreement with Nebraska Machinery Company for the purchase of two Caterpillar model 140H motor graders for the Lancaster County Engineering Department. The cost to the County, after trade-in of two County machines, is \$278,881. Included in the price is the provision of maintenance above \$2,400 per machine for the first 8,500 hours or seven years. (C-01-355)

In response to a question asked by Stevens, Mike Thew, Chief Deputy County Attorney, explained that the reference in paragraph six to paragraph five was likely a typographical error. He said it should be referenced to paragraph two which indicates the term of the agreement.

5) **OLD BUSINESS CONTINUED:**

Thew stated he had visited with Don Thomas, County Engineer, who indicated he had no objections to holding the agreement to correct the error.

**MOTION:** Heier moved and Stevens seconded to hold the agreement with Nebraska Machinery Company until the County Attorney's Office and the County Engineer place it back on the agenda. Stevens, Workman, Campbell and Heier voted aye. Motion carried.

**B. A resolution in the matter of increasing and modifying the County's Petty Cash Fund. (R-01-55)**

Mike Thew, Chief Deputy County Attorney, recommended the item be held.

Stevens asked if the resolution would have to be rewritten if any of the five specific names were changed.

Thew stated that the manner in which the resolution was drafted would not require that there be any further action if the names change. He stated if the County Board would like to address the issue they could do so in the annual budget message of the County.

Campbell suggested that the department(s) and title of the position(s) be listed instead of individual names.

**MOTION:** Heier moved and Workman seconded to defer Resolution 01-55 for one week. Heier, Workman, Campbell and Stevens voted aye. Motion carried.

5) **OLD BUSINESS CONTINUED:**

- C. An agreement with Lisa Young to perform the services of nurse practitioner with psychiatric specialization on behalf of the Lancaster County Community Mental Health Center, beginning July 1, 2001 and ending September 30, 2001. The County will pay \$50 per hour for the services. (C-01-356)**

Mike Thew, Chief Deputy County Attorney, explained that in both Old Business Items C and D the agreements reference rates of pay, both narratively and numerically, however, the narrative rates of pay differ from the numeric rates of pay in both agreements. He said the County Clerk's Office made the necessary changes so that the original documents are correct and that the rates of pay listed on the agenda are correct. Thew added that the contractors signed the agreements prior to correcting the errors and suggested that the Board approve the agreements subject to the subsequent approval by the contractors of the corrections which the County Clerk's Office made in the typographical errors.

**MOTION:** Heier moved and Stevens seconded approval of the agreement with Lisa Young to perform the services of nurse practitioner with psychiatric specialization on behalf of the Lancaster County Community Mental Health Center, beginning July 1, 2001 and ending September 30, 2001, at a rate of \$50 per hour for the services subject to the subsequent approval by the contractor of the correction that the County Clerk's Office made in the typographical error. Campbell, Stevens, Workman and Heier voted aye. Motion carried.

- D. A contract between Mary L. Paine, Ph.D. and the Lancaster County Community Mental Health Center for the services of a provisionally licensed psychologist, beginning June 21, 2001 and ending June 30, 2002. The County will pay \$55 per hour for the services. The psychologist will work no more than 20 hours per week from June 20, 2001 to August 31, 2001 and 10 hours per week from September 1, 2001 to June 30, 2002. (C-01-363)**

**MOTION:** Workman moved and Heier seconded approval of the contract between Mary L. Paine, Ph.D. and the Lancaster County Community Mental Health Center for the services of a provisionally licensed psychologist beginning July 21, 2001 and ending June 30, 2002, at a rate of \$55 per hour for the services subject to the subsequent approval by the contractor of the correction that the County Clerk's Office made in the typographical error. Heier, Workman, Stevens and Campbell voted aye. Motion carried.

6) **NEW BUSINESS:**

- A. An agreement with Lois J. Targoff to work with Families First and Foremost in the design and development of a family organization, beginning July 1, 2001 and ending June 30, 2002. The County will pay \$19.80 per hour for up to 30 hours per week. (C-01-371)**

Mike Thew, Chief Deputy County Attorney, explained he had requested two changes in the agreement and recommended that it be approved subject to the contractor acknowledging and agreeing to the changes made in the agreement.

**MOTION:** Heier moved and Stevens seconded approval of an agreement with Lois J. Targoff to work with Families First and Foremost in the design and development of a family organization, beginning July 1, 2001 and ending June 30, 2002, at a rate of \$19.80 per hour for up to 30 hours per week subject to the contractor acknowledging and agreeing to changes made in the agreement and the approval of the County Attorney's Office. Stevens, Heier, Workman and Campbell voted aye. Motion carried.

- B. An agreement with the City of Lincoln re-establishing and affirming the City of Lincoln-Lancaster County Commission on Aging. This agreement amends prior language with regard to the Board and the assignment of duties. (C-01-373)**

Gina Dunning, Director of the Lincoln Area Agency on Aging (LAAA), gave a brief overview noting that the active members of the Lincoln-Lancaster County Commission on Aging (LLCA) would transfer to the area wide commission (Lincoln Area Agency on Aging) upon the disbanding of the LLCA.

**MOTION:** Workman moved and Stevens seconded approval. Workman, Campbell, Stevens and Heier voted aye. Motion carried.



6) **NEW BUSINESS CONTINUED:**

- C. An amendment to an agreement with the State of Nebraska, Department of Health and Human Services and Lancaster County on behalf of Families First and Foremost. The original agreement is found under County contract number C-01-21 which provides for contracting and monitoring of the community based residential and non-residential evaluations for youth. The amendment adds the language provided in Exhibit "A". (C-01-372)**

Mike Thew, Chief Deputy County Attorney, recommended the amendment to the agreement be held.

**MOTION:** Workman moved and Heier seconded to hold the amendment to an agreement with the State of Nebraska, Department of Health and Human Services. Workman, Heier, Campbell and Stevens voted aye. Motion carried.

- D. A resolution waiving the waiting period for medical insurance for temporary employees who accept a probationary appointment in the County Classified Service. (R-01-62)**

**MOTION:** Heier moved and Workman seconded approval of Resolution 01-62. Campbell, Heier, Stevens and Workman voted aye. Motion carried.

- E. A resolution in the matter of the 2001-2002 annual cost of living increase for Unrepresented Classified County employees. (R-01-63)**

**MOTION:** Heier moved and Workman seconded approval of Resolution 01-63. Campbell, Stevens, Heier and Workman voted aye. Motion carried.

- F. Allowance Modification Numbers 005 and 006 for the following in connection with the new Lancaster County Election Commission Office located at 601 North 46<sup>th</sup> Street:**

- ▶ **Allowance Modification 005** adds a door chime at interior pair of vestibule doors to alert staff that public has entered the building. This will decrease the Contingency/Discovery Allowance \$741. (C-01-178-AM-01-05)
- ▶ **Allowance Modification 006** adds hardware modifications and wiring at the employee entrance to have keypad operated door hardware. This will decrease the Contingency/Discovery Allowance \$1,286. (C-01-178-AM-01-06)

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Workman moved and Heier seconded approval. Campbell, Heier, Workman and Stevens voted aye. Motion carried.

**G. Authorization of Wells Fargo Bank, as Trustee, to disburse \$283 from the Lancaster County Leasing Corporation Renewal and Replacement Fund to Lincoln Poultry for a one-half gallon food blender for Lancaster Manor. (M-01-92)**

**MOTION:** Workman moved and Heier seconded approval. Heier, Campbell, Stevens and Workman voted aye. Motion carried.

**H. A political subdivision tort claim filed against Lancaster County by Carla Valdez, in the amount of \$500, for lost property.**

Terry Wagner, County Sheriff, gave a brief overview of the claim and recommended that it be denied because no negligence was found on the part of the County.

**MOTION:** Heier moved and Workman seconded denial of the political subdivision tort claim filed by Carla Valdez. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

**I. A political subdivision tort claim filed against the Lancaster County Corrections Department by Douglas E. Howe, in the amount of \$10, for damaged property.**

Terry Weber, Corrections Department, recommended the claim be denied because no negligence was found on the part of the County.

**MOTION:** Workman moved and Heier seconded denial of the political subdivision tort claim filed by Douglas E. Howe. Campbell, Workman, Heier and Stevens voted aye. Motion carried.

**J. A request from Mark Hansen for a refund of real estate taxes for 1999 in the approximate amount of \$546.44 and a credit, in the approximate amount of \$451.32 for 2000. (M-01-90)**

Campbell stated the County Assessor was recommending approval of the refund.

6) **NEW BUSINESS CONTINUED:**

**MOTION:** Workman moved and Stevens seconded approval of a request from Mark Hansen for a refund of real estate taxes for 1999 in the approximate amount of \$546.44 and a credit, in the approximate amount of \$451.32 for 2000.

- 7) **CONSENT ITEMS:** These are items of business that are routine and which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

The Clerk noted that Consent Item 7F would be voted on separately.

A. **Setting of a public hearing for Tuesday, August 7, 2001 at 7 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the proposed Lancaster County budget for Fiscal Year 2001/2002.**

B. **Setting of public hearings for Tuesday, August 14, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:**

1. **County Miscellaneous 01007, requested by the County Attorney, at the request of the Director of the Building and Safety Department of the City of Lincoln, to adopt the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS), and to clarify language relating to the minimum standards required by the National Flood Insurance Program and the State of Nebraska for floodplain management by amending the Lancaster County Subdivision Resolution.**

2. **County Change of Zone 206, requested by the County Attorney, at the request of the Director of the Building and Safety Department of the City of Lincoln, to adopt the revised Flood Insurance Rate Maps (FIRM) and Flood Insurance Study (FIS), and to clarify language relating to the minimum standards required by the National Flood Insurance Program and the State of Nebraska for floodplain management by amending the Lancaster County Zoning Resolution.**

7) CONSENT ITEMS CONTINUED:

C. Setting of a joint County Commissioners/City Council public hearing for Wednesday, August 15, 2001 at 4 p.m., with a continued public hearing on Wednesday, August 22, 2001 at 3 p.m., in the City Council/County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the following:

1. Comprehensive Plan Amendment 94-62, requested by the Director of Planning and the Director of Public Works and Utilities, to amend the Long Range Transportation Plan and other appropriate portions of the 1994 Lincoln/Lancaster County Comprehensive Plan to reflect the inclusion of the South Beltway as a four-lane freeway, generally located one-half mile south of Saltillo Road from Highway 77 to Highway 2, including portions between north of Saltillo, east of 98<sup>th</sup> Street.

2. Comprehensive Plan Amendment 94-63, requested by the Director of Planning and the Director of Public Works and Utilities, to amend the Long Range Transportation Plan and other appropriate portions of the 1994 Lincoln/Lancaster County Comprehensive Plan to reflect the inclusion of the East Far Beltway as a four-lane freeway, generally located between 134<sup>th</sup> and 148<sup>th</sup> Streets from Highway 2 to Interstate 80.

3. Comprehensive Plan Amendment 94-64, requested by the Director of Planning and the Director of Public Works and Utilities, to amend the Long Range Transportation Plan and other appropriate portions of the 1994 Lincoln/Lancaster County Comprehensive Plan to reflect the inclusion of the East Middle Beltway as a four-lane freeway, generally located between 120<sup>th</sup> and 134<sup>th</sup> Streets, from Highway 2 to Interstate 80.

4. Comprehensive Plan Amendment 94-65, requested by the Director of Planning and the Director of Public Works and Utilities, to amend the Long Range Transportation Plan and other appropriate portions of the 1994 Lincoln/Lancaster County Comprehensive Plan to reflect the inclusion of the East Close Beltway as a four-lane freeway, generally located between 98<sup>th</sup> and 112<sup>th</sup> Streets, from Highway 2 to Interstate 80.

7) CONSENT ITEMS CONTINUED:

- D. Setting of a public hearing with the Lancaster County Board of Commissioners and the Otoe County Board of Commissioners for Tuesday, August 21, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding the inclusion of territory located within the incorporated limits of the Village of Bennet within the boundaries of the Bennet Rural Fire Protection District, as permitted by Neb. Rev. Stat., Sec. 35-530. (A map showing the corporate boundaries of the Village of Bennet is on file in the County Clerk's Office.)
- E. Setting of a public hearing for Tuesday, August 21, 2001 at 1:30 p.m. in the County Commissioners Chambers, Room 112, on the first floor of the County-City Building regarding County Special Permit 186, requested by Trent P. Anderson, Diamond Head Ranch Golf Club, L.L.C., for authority to operate an 18 hole golf course with clubhouse, on property generally located at Northwest 140<sup>th</sup> and West Holdrege Streets in Lancaster County, Nebraska.
- F. Request from Ray Stevens, Lancaster County Commissioner, to participate in the Lancaster County Retirement Plan.
- G. A resolution in the matter of amending Article 2, Section 4, Section 5(A)(2)(a), Section 7(F)(2)(i)(4), Section 8(K)(2), Section 17(B)(1), Section 17(N)(1), Section 20(E), Section 21, Section 28, Section 34(G) of the Lincoln-Lancaster County Air Pollution Control Program Regulations and Standards. (R-01-64)
- H. A maintenance agreement with Environmental Systems Research Institute, Inc. (ESRI) for primary and secondary licenses for ARC/Info software used for the Geographic Information System (GIS) located in the County Assessor's Office, beginning July 21, 2001 and ending July 20, 2002. Total cost of the agreement is \$7,300 and includes a guaranteed four hour response time, equipment repairs, telephone support and all software upgrades and other technical support requested. (C-01-368)

7) **CONSENT ITEMS CONTINUED:**

- I. A maintenance agreement with Environmental Systems Research Institute, Inc. (ESRI) for primary and secondary licenses for ARC/Info software used for the Geographic Information System (GIS) located in the County Engineering Department, beginning July 21, 2001 and ending July 20, 2002. Total cost of the agreement is \$9,400 and includes a guaranteed four hour response time, equipment repairs, telephone support and all software upgrades and other technical support requested. (C-01-369)
- J. A right-of-way contract relating to road improvements between the Lancaster County Engineering Department and Paul and Jane Bilau south of the intersection of Northwest 40<sup>th</sup> Street and Bluff Road; Project C.P.-F-5. This is donation. (C-01-370)

Campbell requested that Consent Item C be voted on separately because both she and Commissioner Heier have declared a conflict of interest.

**MOTION:** Heier moved and Workman seconded approval of the Consent Items with the exception of Consent Items 7C and 7F. Stevens, Workman, Heier and Campbell voted aye. Motion carried.

**MOTION:** Workman moved and Stevens seconded approval of Consent Item 7C. Workman and Stevens voted aye. Campbell and Heier abstained. Motion carried.

**MOTION:** Workman moved and Heier seconded approval of Consent Item 7F. Workman, Heier and Campbell voted aye. Stevens abstained. Motion carried.

Mike Thew, Chief Deputy County Attorney, explained Consent Items 7H and 7I are agreements to use the prices listed in the documentation under the same contractual terms.

8) **ADJOURNMENT**

**MOTION:** Heier moved and Stevens seconded adjournment of the Board of Commissioners meeting at 2:45 p.m. Stevens, Workman, Campbell and Heier voted aye. Motion carried.

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Bruce Medcalf  
County Clerk